## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXASO DEC 27 PM 3: 25 AMARILLO DIVISION DEPUTY CLERK

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| JOSEPH MARK LeBLANC, PRO SE,  | § |  |
| TDCJ-CID No. 1361901,         | § |  |
| Previous TDCJ-CID No. 572120, | § |  |
| Previous TDCJ-CID No. 971118, | 8 |  |
| ,                             | 8 |  |
| Plaintiff,                    | 8 |  |
| 1 1411111111,                 | 8 | CIVIL ACTION CAUSE NO.   |
|                               | 8 |  |
| V.                            | 8 | 2:09-CV-0160   |
|                               | Ş |  |
| JOHN ADAMS, JAMIE BAKER,      | § |  |
| PAUL SLOAN, BRIAN CLARK,      | § | CONSOLIDATED WITH  |
| MATTHEW DRAKE,                | 8 | CIVIL ACTION NO.   |
| TWYLA HUGHES, PATTY WILKINS,  | 8 | 2:10-CV-0033   |
| DHIRAJLAL PATEL, JANET SELLS, | 8 |  |
| JAMES CARL WEBB,              | 8 |  |
| •                             | 8 |  |
| TOSHA JAMES, and              | 8 |  |
| JEREMY WOODRUFF,              | § |  |
|                               | § |  |
| Defendants.                   | § |  |
| •                             | Ū |  |

## ORDER OF PARTIAL DISMISSAL

Plaintiff JOSEPH MARK LeBLANC, while a prisoner incarcerated in the custody of the Texas Department of Criminal Justice, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against twenty-two defendants and has been granted permission to proceed in forma pauperis. Plaintiff's claims against the remaining defendants were severed into cause nos. 2:10-CV-0032, 2:10-CV-0034 and 2:10-CV-0035.

On December 2, 2010, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims against defendants JOHN ADAMS, JAMIE BAKER, PAUL SLOAN, BRIAN CLARK, DHIRAJLAL PATEL, JANET SELLS, JAMES CARL WEBB, and TOSHA JAMES and recommending that plaintiff's claims against those defendants be

DISMISSED WITH PREJUDICE AS FRIVOLOUS AND WITHOUT PREJUDICE FOR FAILURE

TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED. Plaintiff's claims against
defendants DRAKE, HUGHES, WILKINS, and WOODRUFF were not addressed in the Report and
Recommendation.

The period for response has expired; and no objections have been filed by plaintiff. Plaintiff filed a motion for extension which was denied.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Claims by plaintiff JOSEPH MARK LeBLANC against defendants JOHN ADAMS, JAMIE BAKER, PAUL SLOAN, BRIAN CLARK, DHIRAJLAL PATEL, JANET SELLS, JAMES CARL WEBB, and TOSHA JAMES are DISMISSED WITH PREJUDICE AS FRIVOLOUS AND WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

IT IS SO ORDERED.

ENTERED this day of December, 2010.

MARY LOU ROBINSON

United States District Judge